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Multi-Service Agency System for Hamilton-Wentworth Question and Answer Paper.

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HAMILTON-WENTWORTH DISTRICT HEALTH COUNCIL

MULTI-SERVICE AGENCY SYSTEM FOR HAMILTON-WENTWORTH

QUESTION AND ANSWER PAPER

JANUARY 1995

* QUESTION AND ANSWER PAPER

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* Ministry of Health Provided Some Material for Questions and Answers

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MULTI-SERVICE AGENCY SYSTEM FOR HAMILTON-WENTWORTH
QUESTIONS AND ANSWERS

Purpose of the Multi-Service Agency

1. What is the purpose of a Multi-Service Agency ?

For over ten years many members of the community have identified a need for long-term care services which are easier to use and more understandable.

Long-Term Care (LTC) refers to a variety of health and social services offered in the community and in LTC facilities to assist people who need help in their daily activities.

The Ontario government has recently passed legislation that requires every community in Ontario to establish Multi-Services Agencies to coordinate and deliver all long-term care services provided in the community.

Multi-Service Agencies are intended to accomplish the following:

- a client-centred and directed long-term care service system;
- provision of flexible services based on needs as identified by the consumer;
- simplified access to a full range of long-term care services;
- information and referral services regarding long-term care and support services in the community;
- integration of long-term care health and social services including professional, personal support, homemaking, and community support;
- provision of neighbourhood access to care.

Multi-Service Agency System for Hamilton-Wentworth

2. What is the Multi-Service Agency System which is proposed for Hamilton-Wentworth?

The proposed design recommends that one regional Multi-Service Agency be established with strong local centres. The design proposes a system for delivering services and a process for setting up this new system. The design is based on the following:

- community input;
- the unique characteristics of Hamilton-Wentworth;
- the Hamilton-Wentworth District Health Council's expectations (attachment 1.1);
- LTC provincial policy and legislation.

Service delivery would include:

- regional services that are delivered from a central base and serve the whole region

2. • strong local centres which will provide:
    - sites for the delivery of some regional services;
    - services tailored to local needs;
    - a local identity for MSAS services which will encourage community ownership and participation of volunteers;
    - easy access for people in need of long-term care services.

Establishing and Governing a Local Multi-Service Agency System

3. How will the local Multi-Service Agency System (MSAS) be established and who will be responsible for its operation?

To move from the current system to the fully developed MSAS a transitional period of up to four years is recommended. The first step would be the establishment of the new agency, the MSAS, governed by a transitional Board of Directors who would work with the community to plan and implement the integration of health and social services within the MSAS. The transitional process will begin when the MSAS design and the process to establish the transitional Board of Directors is approved by the Minister of Health.

Planning is currently underway, through the Hamilton-Wentworth District Health Council's Long-Term Care Committee, to determine the recruitment and selection process for the transitional Board of Directors.

One of the tasks of the transitional Board of Directors will be to develop a plan to establish a general membership base for the MSAS which will elect the Board of Directors for the fully evolved MSAS.

Human Resources: Staff and Volunteer

4. What will happen to the staff and volunteers currently providing LTC services in the community?

Human Resource Plans and Volunteer Plans will be developed, for the transitional and fully evolved MSAS, by their respective Boards of Directors.

While the Hamilton-Wentworth District Health Council has limited responsibility in MSAS human resource planning, it recognizes that some of the key strengths of current long-term care services are the staff and volunteers who deliver services.

The expertise that current LTC staff and volunteers have in relation to their clients and services is valued and will be critical in developing the MSAS for Hamilton-Wentworth. In developing the proposed design the intention was to create a system which would support staff and encourage volunteers to continue their role.

4. Changes to the current LTC system can cause stress and concern for the LTC service providers. The proposed MSAS design respects both the need to begin establishing the MSAS and the need for appropriate human resource planning by the transitional Board of Directors. The board will meet with boards and staff of agencies to plan a successful transfer of staff and services to the MSAS.

Staff

How does the LTC legislation support staff currently providing LTC services through the transition to the MSAS?

This question is answered in the question and answer paper prepared by the Ministry of Health, attachment 2.2, pages 10-19. Human Resource Plans will be developed by both the transitional and the final Boards of Directors of the MSAS.

What are some of the issues which would be addressed through human resource planning?

Volunteer, non union, and union staff will be affected as services move to the MSAS. Some of the issues the MSAS transitional Board of Directors will be responsible for resolving include:

- job security;
- maintaining the volunteer sector while preserving the integrity of unionized bargaining units;
- uniformity/diversity of benefits and wages;
- impact on non union staff;
- successor rights, surplus staff, retraining;
- existing union contacts and responsibilities under current legislation;
- local versus regional or provincial negotiations of collective agreements.

Volunteers

Will volunteers want to be a part of the MSAS?

People volunteer for a variety of reasons. One of these is that they see a need in their community. The proposed MSAS for Hamilton-Wentworth is based on recognition that its natural communities are important to residents. They feel an identity with these and often wish to support them in a variety of ways including volunteering. Local centres will develop according to the needs defined by the area residents. This will make the services offered meaningful and valued creating community ownership and support.

4. Where will volunteers fit in the MSAS?

The role of the volunteer will include:

- participation as a member of the MSAS Board of Directors, committees, task groups etc.;
- direct service delivery such as meals services, transportation, reassurance and telephone checks, information and peer support (especially to caregivers), volunteer visiting (including Palliative Care) etc.

What will be included in the Volunteer Plan?

The MSAS Board of Directors for the transitional and fully evolved MSAS will be required to develop a Volunteer Plan for using the services of volunteers in the provision of community services. The plan will include such issues as:

- recruitment;
- training;
- recognition;
- retention;
- supervision.

MSAS: A Bureaucracy, Quasi-Government Organization ?

5. Will the MSAS be a bureaucratic quasi-government organization?

No, the Multi-Service Agency will be a not-for-profit, charitable agency governed by a voluntary Board of Directors composed of members from the community. It will be directly responsible to the community and will operate as existing long-term care agencies currently do with service contracts through the local Long-Term Care (LTC) Area Office.

When the MSAS is fully developed board members will be elected from the membership of the MSAS. Defining who the members of the MSAS are will be one of the tasks of the transitional Board of Directors.

The MSAS Board of Directors must include community members from the following categories:

Category One: at least one-third consumers and/or caregivers who are receiving or have received a LTC community service from an approved agency or MSA;

Category Two: persons experienced in health and social services;

Category Three: persons who reflect the diversity of the community in terms of gender, age, geographic area, disability, cultural, ethnic, linguistic and spiritual factors.

5. MSAS: Streamline Existing Services

The MSAS will integrate most of the health and social services currently being provided in the home by over forty LTC agencies in Hamilton-Wentworth. This will simplify the present system rather than adding a layer of bureaucracy and in most cases will provide consumers with services after a single call.

Consumers who have in the past have had to meet different program criteria and expectations, will experience a service system with consistent rules designed to increase flexibility and responsiveness to their needs.

Opportunities for Community Comment on the Proposed Design

6. How can I receive more information about the design and provide my comments?

Detailed information about the design and the opportunities for community comment is available by calling the Hamilton-Wentworth District Health Council at 570-0354, extension 23.

PD1(QAMSAS)

APPENDIX

HAMILTON-WENTWORTH DISTRICT HEALTH COUNCIL

EXPECTATIONS FOR THE REFORM OF LONG-TERM CARE AND THE DEVELOPMENT OF THE MULTI-SERVICE AGENCY(S)

A. Long-Term Care Reform

1. It is essential that long-term care in Hamilton-Wentworth be responsive, timely, user-friendly and hassle-free for consumers and caregivers. It must also be innovative, cost-effective and properly managed.

2. Long-term care must support consumer choice and be accessible as well as sensitive to people from different cultural, linguistic, spiritual and socio-economic groups.

3. The provision of care must accommodate the continuum of need for service in the community through to institutional care.

4. It is important to develop an improved systems of communication, information and education concerning long-term care in our community.

5. The improvements in long-term care must be tangible and measurable. A collaborative process of LTC planning and evaluation requires, at a minimum, a comprehensive and current regional database.

6. The Council supports a single assessment process for access to long-term care.

7. It is essential that long-term care interact with other health and social service sectors.

8. The Council recognizes and intends to preserve the essential role and contribution of volunteers to long-term care.

9. Minimal bureaucracy is our goal.

B. Development of the Multi-Service Agency(s)

1. It is essential that the community of Hamilton-Wentworth take ownership of the process of creating the MSA(s). The process must be proactive rather than reactive and every effort must be made to produce a win-win situation for consumers, caregivers and providers.

2. The development of the MSA(s) must be a "bottom-up" process with the broadest possible community participation.

3. It is imperative that the process respects existing organizations and adheres to acceptable human resources principles and practices when changes affect staff.

4. The DHC will provide leadership in the development of a planning process that actively involves the community and is accountable to the community of Hamilton-Wentworth.

QS AND AS FOR BILL 173 LABOUR AMENDMENTS - DECEMBER 5, 1994

QUESTION 1: What is accomplished by the Labour Amendments to Bill 173?

RESPONSE:

- The amendments are primarily a response to concerns expressed during the Standing Committee hearings on the Bill about the need for a statutory framework to support employment security for people currently working in the community health sector. Therefore, the amendments set out requirements for MSAs to make offers of available work to the employees of agencies whose work is transferred to the MSAs. The general rule for establishing the priority for employees' access to the mandatory job offer is length of service with the previous agency. However, in the case of work that is transferred from a unionized agency, the seniority provisions of the relevant collective agreement must be complied with before the job(s) associated with that work is/are offered to (a) person(s) outside the bargaining unit.

- Another provision which is included in the Labour Amendments to Bill 173 deems MSAs to be successor employers for the purposes of the Ontario Labour Relations Act, the Employment Standards Act and the Pay Equity Act. For unionized employees of existing community agencies, this means that their collective bargaining rights and collective agreements will be preserved when their work is transferred to an MSA. Moreover, for both unionized and non-unionized employees, this provision preserves the status of rights under the Pay Equity and Employment Standards Acts acquired while working for their current employers.

QUESTION 2: Are community agency employees going to be required to join a union as a result of these changes?

RESPONSE:

- No. The Labour Board can still order a vote in situations where bargaining unit employees are joining a workforce with non-unionized employees. The Board's power to combine bargaining units is also preserved. The Board is prevented from terminating the bargaining rights of employees who are already represented by a union as a result of the exercise of its powers under the successorship provisions of the Labour Relations Act.

- In addition, union members are not prevented from seeking de-certification of a union under s58 of the Labour Relations Act.

- Finally, the mandatory job offer provisions mean that employees do not feel they have to join a union as their only way of protecting their access to MSA jobs.

QUESTION 3: Will unionized people have priority for all the MSA jobs?

RESPONSE:

- No. What it means is that for the work being transferred which was formerly performed by a bargaining unit member, the seniority provisions of the applicable collective agreement will be followed before the job associated with that work is offered to someone who is not a member of the bargaining unit in question. All other job offers are to be made to qualified unionized and non-unionized employees on the same basis, that is in descending order of each person's length of service with the previous employer or employers.

- One of the effects of this change is to eliminate any incentive for an MSA employer to try to bring over non-union people ahead of union people as a way of avoiding having to offer work to unionized workers.

QUESTION 4: What happens if there are fewer jobs in the MSA than current employees of community agencies whose work is being transferred? Will unionized people get preference for all the available jobs even if they have worked in the sector for fewer years than non-unionized employees?

RESPONSE:

- In light of the projections for growth in MSA services, we expect expansions in job opportunities. In any event, the amendments require the seniority provisions of a collective agreement to be applied first ONLY in the case of jobs performing work that was formerly performed by unionized employees. The order of priority for jobs not covered by a collective agreement is to be strictly on the basis of length of service, assuming the employees are qualified to perform the work.

- Any disputes that may arise about whether a particular position is or is not covered by a collective agreement may be referred to an Employment Standards Officer in the Ministry of Labour.

QUESTION 5: **Does the mandatory job offer have any value if the work being transferred winds up being performed differently in the MSA as a result of work restructuring and the development of new job descriptions?**

RESPONSE:

. Yes it does, for several reasons. First, the job offer requirement is described in the statute in terms of the "same" job or a "comparable" job. This allows for some variation in the content of a job that is offered under 15.2(7) and (8).

. Second, beyond the scope of the same or a comparable job, 15.2(6) places a general onus on MSA employers to look first to the existing community agency workforce for all of their staffing needs.

. Third, while it is expected/hoped that work restructuring will be facilitated over time by the new MSA structure, most of that change should take place after MSAs have been created and are delivering the services formerly performed by community agencies -- that is after the initial transfer of employees has taken place.

QUESTION 6: **How can the government justify treating two individuals doing the same work differently if the only thing distinguishing them is that one is unionized and the other is not?**

RESPONSE:

. The labour provisions **do not create** differences in the treatment of employees that do not already exist as the result of the fact that some employees have the protections of a collective agreement and others do not.

. For unorganized employees, the provisions **create** significant new protections that they do not currently enjoy. For unionized employees, the mandatory job offer is in addition to protections they may have already achieved through the collective bargaining process.

QUESTION 7: **Will the government pay the termination and severance costs of employees of community agencies who do not receive an offer of the same or a similar job from an MSA?**

RESPONSE:

. The government is committed to assisting with such reasonable termination costs as may be incurred as a direct result of the MSA reform. The labour amendments dealing with the deeming of successor employer status and the mandatory job offer should reduce considerably employee termination costs faced by community agencies.

QUESTION 8: **What are the implications of deeming successorship for the purposes of pay equity?**

RESPONSE:

. This will remove any doubt as to whether MSAs are successor employers, and not "new agencies", for pay equity purposes. As a result, employees will be able to transfer their pay equity plans to MSAs. Under the changed circumstances provisions of the Pay Equity Act, it may become necessary to amend pay equity plans or negotiate (a) new plan/s depending upon the appropriateness of the existing plans in the new environment.

QUESTION 9: **Do the Bill 173 labour amendments establish a new model for labour adjustment that the government intends to use elsewhere in the health sector or broader public sector when restructuring occurs?**

RESPONSE:

. The Bill 173 amendments have been developed to respond to the unique labour adjustment challenges posed by the MSA reform that stakeholders have identified through the committee hearing process. They reflect the fact that community health services is a growth sector and that, for the most part, front-line workers can expect to be performing the same or similar work as employees of an MSA as they have been as employees of community agencies. In this context, the amendments have been developed for the purpose of providing statutory support for the goal of preserving through the restructuring process the employment status, compensation rates, and any collective bargaining rights that are held by current employees of the sector.

. Whether and to what extent elements of the Bill 173 provisions should be applied in other restructuring situations will have to be determined through analysis and consultation on the particular circumstances of those situations.

QUESTION 10: **Do the labour amendments have anything to say about how essential services will be maintained in the event of a strike or lock-out at an MSA?**

RESPONSE:

. This issue is entirely dealt with under the Ontario Labour Relations Act (OLRA).

. The OLRA permits replacement workers to be used during a strike or lock-out in order to provide for the delivery of services necessary to prevent danger to life or safety, or serious property or environmental damage. Employers are required to notify the union of their intention to use replacements before the strike or lock-out commences and to offer to bargaining unit members the opportunity to perform this work before bringing in other workers from outside the establishment.

. In the event of disputes between an employer and union on any of these issues, the matter will be settled by the Ontario Labour Relations Board on an expedited basis.

. In addition and apart from its essential services provisions, when there are available workers outside the bargaining unit that is on strike, the Ontario Labour Relations Act permits the employer to use those workers to replace the services of the striking workers providing:

  . the workers who will provide replacement services are already employed in the same workplace (defined by the boundary of the MSA) as the striking workers;
  . the employees asked to provide replacement services are given the option of refusing; and
  . the employer does not backfill the positions of any of the workers providing replacement services.

. Bill 173 does not extend an exemption from the 80-20% rule for purchased services when employees are absent as a result of a strike or lockout.

QUESTION 11: **Are employees' pension rights being put at risk by the transfer of jobs to MSAs?**

RESPONSE:

- The Ministry of Health is working with pension experts in and outside government to develop the mechanics for preserving pension entitlements through the transition to MSAs, and will be providing detailed advice to MSA planners on the management of this issue.

- Some of the provisions of Bill 173 do carry implications for the protection of pension entitlements. For example, for unionized employees, the fact that MSAs will be successor employers guarantees that the provisions of their collective agreements, including those dealing with pensions, will move with them to an MSA.

  In addition, those employees who accept offers of the same or comparable work, as these are defined in the legislation, will be expected to receive pay and benefits that are comparable to what they received from their previous employer.

Prepared by: Barb Sulzenko

Definitions

15.1 (1) In this section and in sections 15.2 and 15.3,

"community service" includes a placement co-ordination service provided by a placement co-ordinator designated under the *Charitable Institutions Act*, the *Homes for the Aged and Rest Homes Act* or the *Nursing Homes Act*; ("service communautaire")

"previous employer" means a service provider which ceases to provide a community service or a part of a community service where provision of the service or the part of a service is transferred to a multi-service agency; ("employeur précédent")

"service provider" includes a placement co-ordinator designated under the *Charitable Institutions Act*, the *Homes for the Aged and Rest Homes Act* or the *Nursing Homes Act*; ("fournisseur de services")

"successor employer" means a multi-service agency to which provision of a community service or a part of a community service has been transferred from a previous employer. ("employeur qui succède")

Définitions

15.1 (1) Les définitions qui suivent s'appliquent au présent article et aux articles 15.2 et 15.3.

«employeur précédent» Le fournisseur de services qui cesse de fournir un service communautaire ou une partie d'un service communautaire lorsque la fourniture du service ou de la partie du service est transférée à l'organisme de services polyvalent. («previous employer»)

«employeur qui succède» L'organisme de services polyvalent auquel a été transférée la fourniture d'un service communautaire ou d'une partie d'un service communautaire qu'assumait un employeur précédent. («successor employer»)

«fournisseur de services» S'entend en outre d'un coordonnateur des placements désigné aux termes de la *Loi sur les établissements de bienfaisance*, de la *Loi sur les foyers pour personnes âgées et les maisons de repos* ou de la *Loi sur les maisons de soins infirmiers*. («service provider»)

«service communautaire» S'entend en outre d'un service de coordination des placements fourni par un coordonnateur des placements désigné aux termes de la *Loi sur les établissements de bienfaisance*, de la *Loi sur les foyers pour personnes âgées et les maisons de repos* ou de la *Loi sur les maisons de soins infirmiers*. («community service»)

Transfer, interpretation

(2) For the purposes of this section and sections 15.2 and 15.3, the transfer of the provision of a community service occurs when a multi-service agency commences the delivery of a community service or part of a community service formerly provided by another service provider.

Transfert, interprétation

(2) Pour l'application du présent article et des articles 15.2 et 15.3, le transfert de la fourniture d'un service communautaire survient dès qu'un organisme de services polyvalent entreprend la fourniture d'un service communautaire ou d'une partie d'un service communautaire que fournissait auparavant un autre fournisseur de services.

Deemed sale of business

15.2 (1) The transfer of the provision of a community service or a part of a community service from a previous employer to a successor employer is deemed to be a sale of a business for the purposes of section 13 of the *Employment Standards Act*, section 64 of the *Labour Relations Act* and section 13.1 of the *Pay Equity Act*.

Transfert réputé une vente d'entreprise

15.2 (1) Le transfert de la fourniture d'un service communautaire ou d'une partie d'un service communautaire d'un employeur précédent à un employeur qui succède est réputé une vente d'entreprise pour l'application de l'article 13 de la *Loi sur les normes d'emploi*, de l'article 64 de la *Loi sur les relations de travail* et de l'article 13.1 de la *Loi sur l'équité salariale*.

Continued representation

(2) Despite subsection (1), the Ontario Labour Relations Board shall not exercise its powers under section 64 of the *Labour Relations Act* in such a way that employees who were represented by a bargaining agent prior to a transfer are not represented by a bargaining agent after the transfer.

Représentation continue

(2) Malgré le paragraphe (1), la Commission des relations de travail de l'Ontario ne doit pas exercer les pouvoirs que lui confère l'article 64 de la *Loi sur les relations de travail* de telle sorte que les employés qui étaient représentés par un agent négociateur avant un transfert ne le sont plus après le transfert.

Mandatory job offer

15.3 (1) If the provision of a community service or a part of a community service is

Offre d'emploi obligatoire

15.3 (1) Si la fourniture d'un service communautaire ou d'une partie d'un service

transferred to a successor employer from a previous employer, the successor employer shall make reasonable offers of available positions to those persons who are in a continuing or a recurring and cyclical employment relationship and who are engaged in providing the transferred community service with the previous employer immediately before the successor employer begins providing the transferred community service or the transferred part of the community service.

communautaire est transférée d'un employeur précédent à un employeur qui succède, ce dernier fait des offres raisonnables de postes disponibles aux personnes qui, immédiatement avant qu'il ne commence à fournir le service communautaire transféré ou la partie transférée du service communautaire, ont une relation de travail continue ou périodique et cyclique avec l'employeur précédent et qui sont au service de ce dernier pour fournir le service communautaire transféré.

Offers by length of service

(2) The successor employer shall make offers to the persons employed by any previous employer in descending order of each person's length of service with the previous employer or previous employers until all positions are filled.

(2) L'employeur qui succède fait des offres aux personnes employées par tout employeur précédent, par ordre décroissant de la durée des états de service accumulés auprès de l'employeur précédent ou des employeurs précédents jusqu'à ce qu'il soit pourvu à tous les postes.

États de service

Same

(3) Despite subsection (2), if a position performing work transferred from a previous employer is in a bargaining unit, the successor employer shall make offers to persons employed by the previous employer in descending order of seniority as defined by the applicable collective agreement before a position is offered to a person not represented by the bargaining agent.

(3) Malgré le paragraphe (2), si un poste qui consiste à effectuer un travail transféré d'un employeur précédent est compris dans une unité de négociation, l'employeur qui succède fait des offres aux personnes employées par l'employeur précédent par ordre décroissant de l'ancienneté au sens donné à ce terme dans la convention collective applicable avant qu'un poste ne soit offert à une personne non représentée par l'agent négociateur.

Idem

Exception

(4) The successor employer is not required to offer positions to persons who are not qualified to perform the services required of them or would not become qualified to do so with a reasonable period of training.

(4) L'employeur qui succède n'est pas tenu d'offrir des postes aux personnes qui n'ont pas les qualités requises pour rendre les services qui leur sont demandés ou qui ne les auraient pas même après un stage de formation raisonnable.

Exception

Limitation

(5) This section does not apply to senior executives of a previous employer.

(5) Le présent article ne s'applique pas aux cadres supérieurs d'un employeur précédent.

Restriction

Offers to other persons

(6) The successor employer shall use every reasonable effort to fill all positions in respect of the transferred community service or the transferred part of a community service with persons who were employed by the previous employer or employers before the successor employer offers a position to any other person.

(6) L'employeur qui succède fait tous les efforts raisonnables pour pourvoir à tous les postes relatifs à la fourniture du service communautaire transféré ou de la partie transférée du service communautaire en les attribuant à des personnes qui étaient employées par l'employeur précédent ou les employeurs précédents avant d'offrir un poste à toute autre personne.

Offres à d'autres personnes

Nature of work

(7) The position offered must consist of performing the same work that the person did for the previous employer, if such a position is available having regard to compensation, nature of the duties, hours and schedule of work, perquisites, quality of working environment, geographic location, degree of responsibility, job security and possibility of advancement.

(7) Le poste offert doit consister à effectuer le même travail que la personne effectuait pour l'employeur précédent, si un tel poste est disponible en ce qui concerne la rémunération, la nature des tâches, les heures et l'horaire de travail, les avantages accessoires, la qualité du milieu de travail, la situation géographique, le degré de responsabilité, la sécurité d'emploi et les possibilités d'avancement.

Nature du travail

Same

(8) If such a position is not available, the position offered must consist of alternative work that is comparable having regard to

(8) Si un tel poste n'est pas disponible, le poste offert doit consister en un travail comparable en ce qui concerne la rémunération,

Idem

compensation, nature of the duties, hours and schedule of work, perquisites, quality of working environment, geographic location, degree of responsibility, job security and possibility of advancement.

la nature des tâches, les heures et l'horaire de travail, les avantages accessoires, la qualité du milieu de travail, la situation géographique, le degré de responsabilité, la sécurité d'emploi et les possibilités d'avancement.

If offer accepted

(9) For the purposes of Parts VII, VIII, XI and XIV of the *Employment Standards Act*, a person employed by the previous employer who accepts a position offered by the successor employer is deemed to have been employed by the successor employer for the period during which he or she was employed by the previous employer.

Acceptation de l'offre

(9) Pour l'application des parties VII, VIII, XI et XIV de la *Loi sur les normes d'emploi*, la personne employée par l'employeur précédent qui accepte un poste offert par l'employeur qui succède est réputée avoir été employée par ce dernier pour la période pendant laquelle elle était employée par l'employeur précédent.

If offer declined

(10) A person who declines a position as described in subsections (7) and (8) offered by the successor employer and who ceases to be employed by the previous employer is deemed, for the purposes of the *Employment Standards Act*, to have resigned his or her position with the previous employer.

Refus de l'offre

(10) La personne qui refuse un poste visé aux paragraphes (7) et (8) qui est offert par l'employeur qui succède et qui cesse d'être employée par l'employeur précédent est réputée, pour l'application de la *Loi sur les normes d'emploi*, avoir démissionné de son poste auprès de l'employeur précédent.

Limitation

(11) If the successor employer offers the person employment that does not begin immediately after his or her employment with the previous employer ends and the person declines the offer, the person is not deemed to have resigned his or her employment with the previous employer and the successor employer shall comply with Part XIV of the *Employment Standards Act*.

Restriction

(11) Si l'employeur qui succède offre à la personne un emploi qui ne commence pas immédiatement après que son emploi auprès de l'employeur précédent prend fin et que la personne refuse l'offre, cette dernière n'est pas réputée avoir mis fin à son emploi auprès de l'employeur précédent, et l'employeur qui succède se conforme à la partie XIV de la *Loi sur les normes d'emploi*.

Notice of transfer

(12) A service provider shall notify its employees and their bargaining agents, if any, of a transfer to a multi-service agency of a community service or a part of community service provided by the service provider.

Avis de transfert

(12) Le fournisseur de services avise ses employés et leurs agents négociateurs, s'il en existe, du transfert à un organisme de services polyvalent d'un service communautaire ou d'une partie d'un service communautaire qu'il fournit.

Same

(13) The notice must be in writing and must be given at least 60 days before the transfer.

Idem

(13) L'avis doit être donné par écrit au moins 60 jours avant le transfert.

Information

(14) Upon the request of a multi-service agency, a service provider shall give a multi-service agency the following information about the employees who are providing the community service:

1. A job description for each of the positions held by the employees.
2. The wages and benefits for each position.
3. The number of persons employed in each position at the premises.
4. A list of persons employed in each position, each person's length of service, and their hours and schedule of work.
5. The name of each employee and his or her address as it appears in the employer's records.

Renseignements

(14) Sur la demande d'un organisme de services polyvalent, le fournisseur de services donne à ce dernier les renseignements suivants au sujet des employés qui fournissent le service communautaire :

1. Une description de tâches pour chaque poste occupé par les employés.
2. Les salaires et avantages reliés à chaque poste.
3. Le nombre de personnes employées à chaque poste dans les locaux.
4. Une liste des personnes employées à chaque poste, avec la durée des états de service de chacune d'entre elles et leurs heures et leur horaire de travail.
5. Le nom et l'adresse de chaque employé qui figurent dans les dossiers de l'employeur.

Same

(15) The service provider shall give the information described in subsection (14) to the bargaining agent for employees at the same time as the information is given to the multi-service agency, but only in respect of employees represented by the bargaining agent.

Same

(16) The information given under subsections (14) and (15) shall be current as of the request date.

Use of information

(17) A person to whom information is given under subsection (14) or (15) shall use the information only for the purpose of matters arising under this section and section 15.2.

Confidentiality

(18) A person in possession of information given under subsection (14) or (15) shall not disclose it except as authorized by this section.

Employment standards officer may make order

(19) If a person fails to comply with the provisions of this section, an employment standards officer appointed under the *Employment Standards Act* may order what action, if any, the person shall take or what the person shall refrain from doing in order to constitute compliance with this section and may order what compensation shall be paid by the person to the Director appointed under that Act in trust for other persons.

Administration and enforcement

(20) Sections 61 to 83 of the *Employment Standards Act* apply with necessary modification to the administration and enforcement of this section.

PART VII
RULES GOVERNING APPROVED AGENCIES

No transfer, encumbrance, etc.

16. No approved agency shall transfer, assign, lease, encumber, or otherwise convey an interest in, any of the assets it acquires with financial assistance from the Province of Ontario, except in accordance with the regulations.

By-laws

18. An approved agency that is a board of health or a corporation described in clause (a) or (b) of the definition of "agency" in subsection 2(1) shall pass by-laws containing the provisions prescribed for the class of agencies to which it belongs.

Filing

19. (1) An approved agency that is a board of health shall file a copy of each of the agency's by-laws and each of the amendments to the agency's by-laws with the Minister promptly after it is made.

Idem

(15) Le fournisseur de services donne les renseignements visés au paragraphe (14) à l'agent négociateur des employés au même moment où il les donne à l'organisme de services polyvalent, mais seulement à l'égard des employés qui sont représentés par l'agent négociateur.

Idem

(16) Les renseignements donnés aux termes des paragraphes (14) et (15) doivent être à jour à la date de la demande.

Utilisation des renseignements

(17) La personne à qui des renseignements sont donnés aux termes du paragraphe (14) ou (15) ne les utilise qu'aux fins des questions faisant l'objet du présent article et de l'article 15.2.

Confidentialité

(18) La personne qui possède des renseignements donnés aux termes du paragraphe (14) ou (15) ne doit pas les divulguer sauf comme l'autorise le présent article.

Ordonnance de l'agent des normes d'emploi

(19) Si une personne ne se conforme pas aux dispositions du présent article, un agent des normes d'emploi nommé en vertu de la *Loi sur les normes d'emploi* peut, par ordonnance, déterminer ce que la personne doit faire ou ce qu'elle doit s'abstenir de faire afin de se conformer au présent article et fixer l'indemnité que la personne doit verser en fiducie pour le compte d'autres personnes au directeur nommé en vertu de cette loi.

Application et exécution

(20) Les articles 61 à 83 de la *Loi sur les normes d'emploi* s'appliquent, avec les adaptations nécessaires, à l'application et à l'exécution du présent article.

PARTIE VII
RÈGLES RÉGISSANT LES ORGANISMES AGRÉÉS

Interdiction de transférer ou de grever des biens

16. Aucun organisme agréé ne doit transférer, céder, donner à bail ni grever quelque bien qu'il acquiert grâce à l'aide financière de la Province de l'Ontario, ni transporter d'autre façon un intérêt dans un tel bien, si ce n'est conformément aux règlements.

Règlements administratifs

18. L'organisme agréé qui est un conseil de santé ou une personne morale mentionnée à l'alinéa a) ou b) de la définition de «organisme» au paragraphe 2 (1) adopte des règlements administratifs qui comportent les dispositions prescrites qui s'appliquent à la catégorie d'organismes à laquelle il appartient.

Dépôt

19. (1) L'organisme agréé qui est un conseil de santé dépose auprès du ministre une copie de chacun de ses règlements administratifs et de chacune des modifications qui y sont apportées promptement après leur adoption.

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